

MINUTES
UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD MEETING
Utah Department of Environmental Quality
168 North 1950 West, Building #2, (Conf. Room 101), SLC, Utah

February 9, 2006

Board Members Present: Craig Anderson, (Chair), John Newman (Vice-Chair), Michael Brehm, Scott Bruce, Carlton Christensen, David Cunningham, William Doucette, Craig Forster, Kevin Murray, Dianne Nielson.

Staff Members Present: Dennis Downs, Brad Johnson, Gary Astin, Ralph Bohn, Ed Costomiris, Jeff Emmons, Martin Gray, Rusty Lundberg, Dale Marx, Allan Moore, Cheryl Prawl, Don Verbica, Raymond Wixom, Paul Zahn.

Others Present: Elizabeth Lowes, Bruce Eloff, Trever Heaton, Kris Snow, Bryan Slade, Chris Lilley, Shane Whitney, Donna Spangler, Dan Shrum, Tim Orton, Clint Warby, Walton Levi.

I. The meeting was called to order at 1:04 p.m.

Gary Mossor, Kory Coleman, and Dennis Riding were excused from the meeting.

Craig Anderson notified the Board that a former Board member, Judy Lever, recently lost her husband John Lever, as a result of complications associated with a medical condition. On behalf of the entire Board, condolences were given to Judy Lever and her family.

II. Approval of minutes for the January 12, 2006 Board meeting (Board Action Item)

It was motioned by Bill Doucette and seconded by Kevin Murray and unanimously carried that the January 12, 2006 Board meeting minutes be approved.

III. Underground Storage Tanks Update

Brad Johnson updated the Board members on the two legislative bills in regards to the Division of Environmental Response and Remediation (DERR) that were discussed in previous Board meetings. HB271, which is the bill that would require owners/operators of underground storage tanks to put all or none of their tanks on the Petroleum Storage Tank (PST) Fund, is on the 3rd reading calendar of the House of Representatives and was passed out of the House Committee with unanimous support. It is anticipated that the within the next few days, the bill will be discussed and then forwarded onto the Utah State Senate. The second bill, SB153, is the Uniform Environmental Covenants Act, which establishes parameters for entering environmental covenants on properties where contamination remains that is above established cleanup levels. This bill has passed the Senate and was then forwarded to the House, where the House Committee unanimously approved it. It is now anticipated that this bill will be discussed and approved by the House relatively soon.

William Doucette then questioned that if HB271 were to pass, when would it be implemented and how long would it take to get the owners/operators fully on or off the PST Fund. Mr. Johnson explained that the bill has an effective date of January 1, 2007. This would give the owners/operators approximately eight months to make a business decision on whether to stay on the fund or not. There would also be a period of time before it would be known what kind of impact this bill would have on the balance of the PST Fund.

IV. Approval of proposed Rule Changes to R311, UST Cleanup Standard Rules for initial publication and 30-day public comment period (Board Action Item)

Paul Zahn, Leaking Underground Storage Tank/Remedial Assistance Section Manager, explained to the Board that within the last year, the DERR has worked with the Utah Underground Storage Tank Advisory Task Force (UST Task Force) and assorted stakeholders in developing proposed rule changes to UST Rules R311 in regards

to cleanup standards. The comments received from the various stakeholders have been incorporated into the proposed changes and involve the following:

- R311-207: Clarifies the time and material reimbursement constraints for consultant designed and manufactured equipment used at sites utilizing a time and material reimbursement method.
- R311-211: Establishes consistent criteria for the UST correction action cleanup standards, clarifies requirements for establishing cleanup standards, and clarifies the requirements to obtain a “No Further Action” determination from the Executive Secretary (UST).
- R311-200: Adds a definition for “No Further Action determination,” which is new terminology to be used in the cleanup standards in R311-211.
- R311-205: Replaces references to “recommended cleanup levels” with “initial screening levels,” as required by changes made to the cleanup standards in R311-211.

The DERR has now come before the Board to seek approval for the initial publication of these rule changes and to begin the 30-day public comment period in order to begin the rule making process. If the Board were to approve the initiation of the public comment period, it is expected that the DERR would work with the Division of Administrative Rules to begin the public comment period on March 1, 2006, and end on March 31, 2006. There would also be a public hearing scheduled for March 28, 2006. The DERR would then review the comments received and come before the Board in May for final adoption of the rules.

Michael Brehm inquired if the proposed changes to R311-211 were just for clarity or if there was some other benefit for having the cleanup standards put into rule. Mr. Zahn stated that the addition of the cleanup standards was based on a recommendation by the Administrative Rules Committee and Legislative Committee. The DERR is not seeking to change any of the processes that they are currently using. The standards are just being put into rule in order to have authority to enforce those standards.

Mr. Doucette asked for clarification concerning how the soil levels were set, specifically for Benzene, in the proposed Initial Screening Levels. Mr. Zahn explained that previously, the water standards for Maximum Contaminant Levels were established. In so doing, the DERR then calculated, based upon leaching to groundwater, how much contamination it would take to release that amount into the groundwater using generic scenarios that are often found throughout the state.

Kevin Murray then asked if screening levels are put into rule, would this limit the agency’s discretion in developing site specific cleanup levels. Mr. Zahn stated that by putting the screening levels into rule, it does make the process a little bit different. However, the rule will still allow the DERR to consider human health and the environment, the available technology, and the cost effectiveness of the cleanup. If contamination is present that is above the standards, it would also give the owner the option of establishing site specific cleanup levels. Mr. Johnson added that with these rules, the DERR has strived to maintain the way the Division has been running the program and is not looking to alter it, but to just simply put cleanup standards into rule.

Mr. Brehm then inquired if it would be advantageous to add a statement to the rules that would explain this. Mr. Johnson stated that the DERR has endeavored to do this within the language that was used in the rule.

It was motioned by Carlton Christensen and seconded by William Doucette, and unanimously carried that the Proposed Rule Changes to R311, UST Cleanup Standards, be approved to go to publication for a 30-day public comment period to begin the formal rulemaking process.

V. Used Oil Section

Proposed Stipulation and Consent Order between the Board and Tri-State Recycling Services (Informational Item Only)

Cheryl Prawl informed the Board of the Proposed Stipulation and Consent Order (SCO) No. 0506017 between the Board and Tri-State Recycling Services, Inc. (Tri-State). Tri-State is a permitted used oil transporter and registered used oil marketer operating in Utah (as well as the surrounding states of Montana, Wyoming, Idaho, and Nevada). Tri-State’s main offices are located in Newcastle, Wyoming. A used oil audit (inspection) was

conducted at the Tri-State facility located in Downey, Idaho. Based on various compliance issues identified from that inspection, an NOV was issued on March 10, 2005. The NOV was issued based on three findings: Tri-State stored used oil in Utah in excess of 24 hours (for a total of four days) without a used oil transfer facility or processor permit; Tri-State delivered used oil as on-specification without properly testing the entire volume delivered on eight occasions; and Tri-State improperly tested or documented total halogen concentrations prior to collecting used oil in Utah over a four day period.

To resolve the NOV, a proposed SCO has been negotiated with Tri-State. Under the terms of the proposed SCO, Tri-State will pay \$16,880 to be paid within 90 days of the effective date of the proposed Stipulation and Consent Order.

A 30-day public comment period on the proposed SCO began on January 30, 2006 and will end on February 28, 2006. Following the public comment period, the matter will be presented to the Board in a subsequent meeting.

VI. Solid Waste Section

Proposed Stipulation and Consent Agreement between the Board and Wasatch Integrated Waste Management District (Informational Item Only)

Ralph Bohn informed the Board of the proposed Stipulation and Consent Order (SCO) to resolve Notice of Violation (NOV) No. 0512042 issued to Wasatch Integrated Waste Management District (WIWMD) on October 5, 2005. On August 2, 2005, WIWMD received a truckload of color computer monitors for disposal by incineration from the Utah Division of Fleet and Surplus Services (State Surplus). The monitors were incinerated between August 4-7, 2005. Color monitors are considered a hazardous waste due to the lead content of the cathode ray tube. WIWMD is a solid waste incinerator permitted to accept all non-hazardous solid waste and household hazardous waste only. Violations cited in the NOV included: disposal of hazardous waste without a permit; disposal of prohibited hazardous waste; and failure to implement the facility plan to prevent disposal of hazardous waste.

To resolve the NOV, a proposed SCO has been negotiated with WIWMD. Under the terms of the proposed SCO, WIWMD will pay \$5,004.

A 30-day public comment period on the proposed SCO began on February 4, 2006 and will end on March 6, 2006. Following the public comment period, the matter will be presented to the Board in a subsequent meeting.

It was clarified that the Utah Department of Administrative Services, Division of Fleet and Surplus Services matter will be brought before the Board as a separate matter at a later date.

David Cunningham asked what are the main issues relative to the incineration of color computer monitors. Mr. Bohn stated that color computer monitors are considered hazardous when discarded because of the presence of lead in the cathode ray tube. Mr. Bohn indicated that the color monitors fail the TCLP in most cases.

Board members questioned how the violation was identified. Mr. Allan Moore, Hazardous Waste Management Section Manager, stated that it was identified through phone calls that were made between Division staff members and State Surplus. A Board member asked if this problem could continue to happen or was it a rare occurrence for this type of waste to be handled in this manner. Mr. Bohn stated that letters have been sent out to all the landfills and transfer stations in the State notifying and informing them that if they are receiving colored computer monitors, colored televisions, etc. from a business, they need to handle them as hazardous waste. Residents are exempt under the household solid waste exemptions. Michael Brehm asked what alternatives are available at this time to handle this type of waste. Mr. Bohn stated that there are a few recyclers within the State that will accept this type of waste. E-waste is a big concern with many issues and many activities are happening on the national level to handle this type of waste.

Mr. Brehm asked if the market place is stable enough to ensure that recycling is a reliable alternative. Mr. Bohn stated that this type of waste received from a business cannot be legally be disposed of in the landfills and most of

the recyclers are recycling the glass and dismantling them and /or reusing the other parts. Mr. Brehm asked if there is a fee charged for recycling the waste. Mr. Bohn stated that a fee is charged.

On this particular issue, State Surplus figured it would be cheaper to dispose of the color computer monitors in the landfill as a solid waste. If State Surplus would have disposed of them as a hazardous waste it would have been very expensive. Mr. Brehm asked if the penalty assessed was tied to how much it would have cost WIWMD to dispose of the waste as a hazardous waste. Mr. Bohn said it is not part of the calculation. Carlton Christensen asked if there was any required training that the landfill facility is required to give their employees. Mr. Bohn stated that the NOV required WIWMD to address their training program and re-train their employees to prevent this from reoccurring. The training was held in January 2006. Mr. Christensen asked if household waste is exempt, and he disposes a color computer monitor, does it end up in the landfill. Mr. Bohn stated yes, although, some landfills including WIWMD, have a household hazardous waste program where they will segregate these types of waste out and send them to the recyclers so they don't end up in the landfill. Dianne Nielson asked if the solid waste management unit at WIWMD knew that they shouldn't have accepted the waste and what was their response? Also, Ms. Nielson stated that WIWMD had a household hazardous waste program in place, yet they didn't know that they shouldn't have received this type of business waste. Mr. Bohn stated that WIWMD didn't know that the colored monitors were hazardous waste and that they would fail TCLP. Ms. Nielson asked if WIWMD has taken other shipments. Mr. Bohn stated he is not aware of WIWMD taking any other shipments.

VII. HW Management Section

Presentation on Utah's Small Quantity Generator (SQG) Program

Allan Moore provided information on Utah's Small Quantity Generator (SQG) Program. An outline of the SQG Evaluation Program, a Hazardous Waste SQG Evaluation Form, and a booklet entitled "Basic Information for Handling Hazardous Wastes", and an Environmental Protection Agency (EPA) document entitled "Managing Your Hazardous Waste" was distributed to Board members at the meeting. (Copies of the handouts are available with the meeting minutes.)

Mr. Moore provided the following information. The SQG Program was developed in 1995. The programs objectives are to improve outreach to small businesses in Utah, provide assistance with an ultimate goal of improving compliance and awareness of the hazardous waste regulations, and to help meet enforcement goals and objectives. This program enables Division staff to visit more facilities on a yearly basis. The State of Utah definition of a SQG is a facility that generates less than 1000 kg (2200 lbs) of hazardous waste per month. The EPA's definition of a SQG is a business that has less than 100 employees. Prior to the creation of the SQG Program, Division staff members averaged 50 to 60 facility visits per year. Since the inception of this program, Division staff members have been able to visit around 250-300 small businesses each year. Also, a regular percentage of the large quantity generators are also visited by the same Division staff members.

This program meets the objectives of the EPA's small business compliance policy. This program consists of a streamlined compliance evaluation process that includes providing a quick and informal evaluation and an incentive for the facility to come into and maintain compliance without penalties. Upon completion of the evaluation, a checklist is provided to the facility. The site visited is also entered into a database system for tracking and review.

For the inspector, this program was designed to minimize paper work and time spent drafting warning letters, Notices of Violations, etc. It also eliminates the drafting of inspection reports, and creates an outreach opportunity for the Division staff. Common problems observed during the evaluation include paper work (lack of documentation), incomplete manifests, incomplete preparedness and prevention plans (not notifying local authorities), and container management issues. The numbers of SQGs have decreased since the programs inception. Mr. Moore stated that most, if not all, the SQGs in the State of Utah have been visited utilizing this program. Therefore, the SQG Program will be re-evaluated to see what the next steps may be. The next steps in the SQG Program may include potentially starting over with visits or seeing if any SQGs facilities in the State have not been visited. The SQG facilities visited have provided positive feed back to the Division.

Mr. Moore stated that after a SQG inspection is done, the facility is given a letter regarding their compliance issues and are given 45 days to respond. Some SQG's are re-visited to ensure that the facility is staying in compliance. If, during the follow-up visit, the facility is not in compliance, then a standard compliance evaluation inspection is conducted with the possibility of a Notice of Violation.

Carlton Christensen applauded the outreach efforts the Division is making with these SQGs. Mr. Christensen wondered if there was any coordination with other agencies as new businesses are established in Utah. Mr. Moore stated that the Division is currently working with the Slat Lake Valley Health Department. When businesses come into register, one of the Division's staff members go out with the health department personnel and provide the appropriate information. David Cunningham asked how the Division decides what SQG to visit and whether it is based on complaints or funding. Mr. Moore stated that the Division tries to do a certain percentage each year and the SQG's are rotated on a 10-year basis. Mr. Moore stated that a lot of the concerns with not being able to visit all the facilities include funding issues and shortage of staff. As the same staff members that visit the SQG's, are required to perform large quantity generator inspections also. Mr. Moore stated that if complaints are received, those facilities are visited.

Kevin Murray asked what constitutes a facility. If a company has two locations is it considered one SQG? Mr. Moore stated that the State's definition is that a SQG's facility is one entity or location. However, the EPA has defined a SQG as a company that has less than 100 employees. That is the whole company, no matter how many separate entities/locations it may have throughout the State.

Michael Brehm asked if the Division has ever considered partnering with the fire departments, etc. to possibly assist staff to be able to visit more facilities. Mr. Moore stated that partnering with the fire departments has not been addressed. However, the Division has worked with the local health departments and has utilized them to assist with SQG visits.

VIII. Discussion and options regarding permanent variance requests (Raymond Wixom)

(An Executive Summary entitled "Discussion of whether the Board should grant treatment variances for more than one year" was provided to Board members, via email.)

Raymond Wixom stated that at the last Board meeting, the Board asked him, along with the Division staff, to review the appropriateness of the Board to grant a variance for a site-specific treatment standard that would last for longer than one year. Mr. Wixom stated that research has been done on the Utah Solid and Hazardous Waste Act and other sources and it has been concluded that it would not be appropriate for the Board to attempt to grant variances for longer than one year when a facility requests a site-specific treatment variance. The reason for this conclusion is because the Utah Solid and Hazardous Waste Act states, "that a variance granted for more than one year must include a timetable for the facility to come into compliance with the Act". Mr. Wixom stated that the whole point for requesting the site-specific treatment variance is to be able to handle the waste once in accordance with the law and in an environmentally responsible fashion. A "timetable for the facility to come into compliance" simply does not fit that scenario.

William Doucette stated that there was a "philosophical" question about asking for the same variance multiple years in a row. There is a concern on granting the same sort of variance time and time again over four or five years if it wasn't appropriate at that time to start thinking that it should no longer be a variance instead it should be a rule change. Mr. Wixom stated that the State of Utah does not have the authority to either grant a permanent variance or do the rule change that is mentioned above. The State of Utah does not have the ability to say a particular waste stream can now be treated in a different fashion, etc. The EPA has promulgated the rules that cover those subjects, so until EPA does rulemaking, the State does not have the ability to do that. If the State did do that, they would have a difficulty receiving authorization for the federal EPA. Michael Brehm asked if this issue needed a motion to close this issue. Mr. Wixom stated that the Board requested information and has now received the information they had requested and is not required to make a motion or take any action on this issue.

IX. Commercial/Federal Facilities
Clean Harbors, Grassy Mountain Facility, request for a site-specific treatment variance
(Informational Item Only)

Don Verbica informed the Board that on January 13, 2006, the Clean Harbors, Grassy Mountain Facility, submitted a request to the Executive Secretary of the Utah Solid and Hazardous Waste Control Board for a site-specific treatment variance from the Utah Hazardous Waste Management Rules. The Grassy Mountain Facility proposes to receive, treat and dispose of a waste stream that has both RCRA and TSCA (PCB) codes. Waste streams that have only RCRA codes have a PCB standard of 10 ppm for non-wastewater waste streams as established in the 40 CFR. Waste streams with only TSCA codes have no numerical standard for PCBs. As a result, there exists a disparity in PCB concentrations in waste streams subject to both the RCRA and TSCA programs that are destined for disposal. For these waste streams, such as the one addressed in the variance request, the RCRA standard of 10 ppm cannot be met due to the ineffectiveness of PCB stabilization. It should be noted that wastes already placed in Cell B\6 have PCB concentrations in excess of 10,000 ppm. A permit modification request was approved to allow the disposal of RCRA waste, TSCA waste, and waste streams that are regulated by both programs in landfill Cell B\6. This site specific treatment variance is necessary in order for the Grassy Mountain Facility to treat and dispose of this waste stream in excess of the 10 ppm standard. This treatment variance will be in effect for a period of one year if approved by the Board.

The comment period on the variance request began on January 31, 2006, and will conclude on March 1, 2006. A public hearing will be held on February 16, 2006. Following the public comment period, the matter will be presented to the Board in a subsequent meeting. Grassy Mountain Facility representatives were in attendance to answer any questions.

Michael Brehm asked if this waste stream will be on-going. Ed Costomiris stated that this waste stream could be received again, as this particular waste stream is regulated by both the TSCA and RCRA regulations. Mr. Costomiris stated that because a conflict in the rules exists between the two programs and if the Grassy Mountain Facility were to receive other waste like this, then additional variance requests will need to be brought before the Board.

Mr. Verbica stated the waste is "debris-like," such as steel pipes and other structures that are not amenable for incineration due to the size and type of the material. Dianne Nielson stated if the Board grants this variance and this type of waste will likely be received again, then there is some reasonable assumption that the company will come back before the Board for another site specific variance. If the issue is the conflict between the two programs where EPA is the ultimate author of both programs, and if the Board is going to grant this variance, the reasonable next step would be for the DSHW staff and EPA to come to some agreement that could be adopted in rule that would get the State and the Board out of this unusual regulatory issue for this type of waste. Ms. Nielson asked if that would be an unreasonable request.

Dennis Downs stated this request is not unlike Envirocare variance requests that are brought before the Board. Mr. Downs stated for example, waste comes to Envirocare and the EPA Statutes/Rules require that the waste to be handled a certain way, and yet, it is radioactive and can't be handle it that way. Mr. Downs stated he believes that it is basically the same situation being addressed here. These issues will continue to arise and absent a change to the federal rules, there is not a lot that can be done.

Raymond Wixom stated that years ago the EPA addressed the possibility of granting states the authority to give longer terms and broader variances than what Utah and other states are authorized to do at this time. At that same time, the EPA stated that they were not going to give states the ability to grant variances for a specific waste stream. The EPA does not want inconsistency among the states. Mr. Wixom stated the he felt that the EPA wants to develop their own experience with the types of issues that are being addressed at this meeting. At that time, the EPA was not going to allow states to grant site-specific variances. However, in 1997 they did allow the states to grant site-specific variance.

Mr. Wixom stated it may be conceivable for a group of state associations to ask EPA if it was time to change the rule for particular waste streams and grant the states more authority. At this time, it would be a challenge for the

State of Utah to bring this issue up to EPA. However, a facility can go to the EPA and ask for a site-specific variance for longer than a year, stating that it is an inconvenience to do this at the state level. The State of Utah does not want to involve EPA in the program that has been delegated to the State of Utah and it is the staff's recommendation that it continue in the current process. Also, if variance requests are done every year this gives the Board some idea of what is taking place at these facilities "every time" a variance request is brought before the Board.

Ms. Nielson stated that her concern is making sure that the variance being granting or the fact that this variance would be reconsidered again for another waste shipment is not an issue that will put the State of Utah at odds with EPA. She also wants the staff to feel comfortable they have the resources they need to evaluate the variance. Ms. Neilson further stated concern that EPA needs to clarify these issues or the State needs to get the necessary funding to evaluate these issues and make determinations. Ms. Nielson also commented that she is not sure if this issue is high enough to consider further or to request a rule change by EPA.

Don Verbica stated that EPA sent a letter to Envirocare stating its type of waste stream should meet a national variance. In the rules, there are several different categories for nationwide variances for Envirocare's particular waste stream. However, the EPA stated they are not issuing those types of variances and recommended that it be dealt with at the stated level as a site-specific variance.

Mr. Doucette asked if the permit modification would not have been approved on August 31, 2005, that allowed Grassy Mountain to accept both types of waste, would this waste have gone into the PCB landfill. Mr. Costomiris clarified that the variance request addresses a waste stream that Grassy Mountain previously could not accept.

David Cunningham asked about alternative methods to disposing of the waste. As a variance request only will last one year and disposal needs to stay in line with technology. Mr. Cunningham stated a concern that if a variance is granted for longer than year, the control may be lost. Mr. Cunningham stated he prefers to have a one-year variance request being brought forward.

Michael Brehm asked if this variance would be brought before the Board on an annual basis. Chris Lilley, Environmental Compliance Manager for Clean Harbors, Grassy Mountain Facility stated this particular variance is for boxes of steel pipes and other structures and is a one-time only waste stream. The customers that have this type of material that is regulated by both RCRA and TSCA are very small. It is not anticipated for this waste to be a reoccurring waste stream, as this is a cleanup of an industrial site.

Carlton Christensen asked if communication exists between EPA and the State that reports the variances and why they are being approved. Mr. Verbica stated that the variance requests are typically not submitted in the mid-year report given to EPA. Mr. Christensen stated that for variances that are conflicting or reoccurring that they should be identified to the EPA informing them that issues exist. Ms. Nielson stated that the EPA receives the agendas for the Board meetings and the results of the actions, so in some sense, they are aware of the issues being dealt with.

This is an informational item. This matter will be presented to the Board for a motion in a subsequent meeting.

X. Chemical Demilitarization TOCDF

Marty Gray stated that since the last Board meeting, the Executive Secretary has approved a Trial Burn Plan and a Permit Modification to allow TOCDF to process some additional secondary waste and to conduct a trial burn on that waste. TOCDF plans to begin its shakedown period the end of February. Once that is complete, TOCDF will go into the trial burn mode.

CAMDS remains in a stand-down mode as it evaluates the conduct of operations. When CAMDS resume activities, it will focus on conducting closure activities.

On February 3, 2006, the Executive Secretary issued a Notice of Violation to Dugway based on findings documented from the 2005 inspection. Three violations were noted, one violation was a repeat violation, which requires the State to take this form of action.

XI. Other Business

A. Election of Board Chairman at March Board Meeting

The Board's governing statute requires the election of the Board and Vice Chair annually. Therefore, the election for Chairperson and Vice-Chairperson will be placed on the Agenda for March's meeting.

B. Legislative Update

Dennis Downs provided information on the following bills that impact the Division of Solid and Hazardous Waste programs.

H.B. 43 - Sunset Review and Reauthorizations, sponsored by Representative J. Alexander.

This bill reauthorizes certain named state entities and programs that are scheduled to sunset. The Lead Acid Battery Disposal Act is included in this bill. The Lead Acid Battery Disposal Act is scheduled to sunset next July unless it is reauthorized by the Legislature. This bill did receive a favorable unanimous recommendation by the Interim Committee. This bill has passed both the house and Senate. The Lead Acid Battery Disposal Act will be renewed for ten years.

H.B. 138 - Mercury Switch Removal Act, sponsored by Representative Ronda Rudd Menlove.

This bill defines terms and requires manufacturers of vehicles sold in the State to submit a plan for the removal and collection of mercury switches, pay for the costs of removing and collecting mercury switches and submit an annual report to the Utah Solid and Hazardous Waste Control Board. The bill specifies plan contents and authorizes the Board to make rules and enforce them, and authorizes the Executive Secretary for the Board to establish a fee for the review and approval of the plan, and initiate administrative action to compel compliance with the part. This bill has passed out of the committee in the House and is on the floor calendar. Some opposition to this bill exists from the automobile manufactures because it does include a \$5 "bounty" per switch that the manufactures would have to pay to the automobile dismantlers to help cover costs for the removal of the switches.

Carlton Christensen asked if the \$5 fee was unusual. Mr. Downs stated that it varies, as some other states do not charge a fee and other states charge \$3-\$5 and other states have an actual enforcement program. Scott Bruce asked if economics were done to ensure that it is economically feasible, etc. Mr. Downs stated that the steel companies are supporting this bill, because it does save them money. If the steel companies had to put new air pollution control equipment on their stacks, the general public would somehow get charged for it.

Mr. Downs stated he has not seen an economic analysis to see who is paying for what. The philosophical idea is that the automobile manufactures created the problem and therefore need to help solve the problem. Dianne Nielson stated that it costs less to avoid contamination going into a system then it does to have to remediate it at the other end. The right step should have been to stop putting mercury switches in vehicles sooner. In fact, European manufactures stopped sometime before the US manufactures did. To take the mercury switch out before the vehicle is shredded, and send it to a recycler, should be a less expensive and more reasonable way to get a pollutant out of the system as opposed to leaving it in the car allowing it to be crushed and sending it through the steel mill and capturing it in stacks and then still having to recycle it. For that reason, the steel manufactures have the right idea of getting the mercury switches out.

S.B. 209 - Waste Fee Amendments, sponsored by Senator Dan R. Eastman.

This bill modifies non-hazardous solid waste disposal fees and reduces the amount of waste disposal fees that are deposited into the General Fund. This bill does not impact the hazardous waste fees and does not impact the municipal/government owned solid waste disposal facilities. This bill does impact the commercial non-hazardous solid waste disposal facilities and adjusts the fees that are paid to the

State. This bill was not initiated by DEQ. It was initiated by the commercial disposal facilities that felt they were paying too much in disposal fees. The DEQ's position is that as long as the fiscal note remains even and the State does not lose money, fee adjustments are acceptable.

S.B. 215 - Electronic Waste Task Force and Moratorium on Electronic Waste Disposal, sponsored by Senator Scott D. McCoy.

This bill prohibits the disposal of electronic waste and creates the Electronic Waste Task Force. This bill specifically prohibits the disposal of electronic waste after 2007. "Electronic waste" means a system unit, cathode ray tube, flat panel screen, or other similar video display device with a screen size of greater than four inches measured diagonally. "System unit" means the casing or portion of a computer that contains the central processing unit, which performs the primary quantity of data processing, and the unit that, together with the memory, forms the central part of the computer to which peripheral devices may be attached. After July 1, 2007, a person may not place, discard, or otherwise dispose of electronic waste in any non-hazardous solid waste landfill or incinerator operated by a commercial entity or a political subdivision of the State. This bill creates the Electronic Waste Task Force, specifies membership, duties, and the powers of the task force. The task force will review and make recommendations on the environmentally sound management of waste from electronic products, including (a) an electronic waste recycling fee; (b) the dismantling and recycling market, infrastructure, and capacity; and (c) the development of public education and information. The task force will also submit a final report, including any proposed legislation, to the Natural Resources, Agriculture, and Environment Interim Committee before November 30, 2006. This bill also appropriates money from the General Fund to fund the task force and repeals the task force on November 30, 2006.

Mr. Downs stated that additional information regarding these bills and other bills that the Board may be interested in tracking can be found on <http://le.utah.gov/>.

C. The next Board meeting will be held on March 9, 2006 at 1:00 p.m., in the DEQ Building #2, Conference Room 101.